

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In Re: RUSSELL OWEN ELGIN, JR.  
RUSSELL O. ELGIN, RUSSELL  
OWEN ELGIN, RUSSELL O.  
ELGIN, JR., RUSSELL ELGIN, JR.,  
RUSSELL ELGIN

CHAPTER 13

Debtor(s)

JACK N. ZAHAROPOULOS  
CHAPTER 13 TRUSTEE

CASE NO: 5-19-03493-MJC

Movant

vs.

RUSSELL OWEN ELGIN, JR.  
RUSSELL O. ELGIN, RUSSELL  
OWEN ELGIN, RUSSELL O.  
ELGIN, JR., RUSSELL ELGIN, JR.,  
RUSSELL ELGIN

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, on May 15, 2023, Jack N. Zaharopoulos, Standing Chapter 13 Trustee, through his attorney, Agatha R. McHale, Esquire, and moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case in accordance with 11 U.S.C. Section 1307(c), due to material default by the debtor(s) with respect to the terms of the plan.

Notice of hearing and other instructions are included with this Motion.

WHEREFORE, your Trustee prays that this Honorable Court enter an Order dismissing the above-captioned case in accordance with 11 U.S.C. Section 1307(c).

Dated: May 15, 2023

Respectfully submitted,

/s/ Agatha R. McHale, Esquire  
ID: 47613

Attorney for Movant  
Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
Suite A, 8125 Adams Drive  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
email: amchale@pamd13trustee.com

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**NOTICE**

NOTICE IS HEREBY GIVEN THAT Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney, Agatha R. McHale, Esquire, has filed a Motion to Dismiss for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a HEARING with the Court has been scheduled on this motion. Any matters not resolved shall be heard at the dismissal hearing.

June 15, 2023 at 10:00 AM  
U.S. Bankruptcy Court  
Max Rosenn U.S. Courthouse  
197 S. Main Street  
Wilkes Barre, PA

YOU ARE FURTHER NOTICED that you MUST attend the dismissal hearing unless one of the following takes place.

1. You have paid the following and have confirmed payment with Trustee Zaharopoulos's office.

**TOTAL NET BALANCE DUE: \$24,782.59**

**TOTAL AMOUNT DUE BEFORE HEARING DATE: \$24,782.59**

**NOTE:**

**ALL payments must be made by CERTIFIED CHECK, MONEY ORDER or through TFSBILLPAY.COM. NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED!**

**DO NOT** send your payments REGISTERED, CERTIFIED, FEDERAL EXPRESS, UPS, or by any other special delivery service. Doing so will delay processing of your payment and **may result in dismissal of your case.**

**If submitting payment by U.S. First Class Mail mail to:**

**CHAPTER 13 TRUSTEE, PO BOX 6008, MEMPHIS, TN 38101-6008**

**If submitting payment using TFSBILLPAY.COM please allow 5 business days** for payment to be applied.

2. You have entered into a valid stipulation with Trustee Zaharopoulos and that stipulation has been filed with the court, or
3. You have filed a voluntary conversion or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee Zaharopoulos.

**FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.**

Dated: May 15, 2023

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

ID: 47613

Attorney for Movant

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

Suite A, 8125 Adams Drive

Hummelstown, PA 17036

Phone: (717) 566-6097

email: info@pamd13trustee.com

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**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on May 15, 2023, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties from Hummelstown, PA, unless served electronically.

Served Electronically

TULLIO DeLUCA, ESQUIRE  
381 N 9TH AVENUE  
SCRANTON PA 18504

UNITED STATES TRUSTEE  
1501 N 6TH STREET  
PO BOX 302  
HARRISBURG, PA 17102

Served by First Class Mail

RUSSELL OWEN ELGIN, JR.  
1580 SR 307  
DALTON PA 18414

I certify under penalty of perjury that the foregoing is true and correct.

Date: May 15, 2023

/s/ Matt Arcuri  
Office of the Standing Chapter 13 Trustee  
Jack N. Zaharopoulos  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: info@pamd13trustee.com

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AKA: RUSSELL O. ELGIN, RUSSELL  
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**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application.